IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4502 OF 2004

Hemalata Dhondarmal Gundecha ..Petitioner.

Vs.

State of Maharashtra & Ors. ..Respondents.

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Ms. Varsha Palav for the Petitioner.

Mr. C.R. Sonawane, Assistant Government Pleader for Respondent No.1.

....

CORAM:KSHITIJ R. VYAS, C.J. &

DR.D.Y.CHANDRACHUD, J.

3rd April, 2006**.**

P.C. :

1. The Petitioner who was serving as lecturer in Government Engineering College, Pune, Respondent No.3 herein, has prayed in the Petition for a direction to the Respondents to regularize her services and for a declaration that the Petitioner be made permanent in the post which she is at present holding. It is also prayed that Respondents 1 to 3 be also prohibited from terminating her services. There is no dispute about the fact that the Petitioner was appointed as lecturer for 11 months vide order dated 30th September, 1999 and vide order dated 31st July, 2000 she was reappointed on opening of the college for a period of three

months. From the appointment order, it is clear that the Petitioner was appointed purely on a temporary basis till the selection of candidates by M. P. S. C. In view thereof, the Petitioner cannot claim regularization and permanency as a matter of right.

2. It is the contention of the learned counsel appearing for the Petitioner that the Respondents are now trying to fill up the posts of lecturers in the various departments including Civil and Applied Mechanics Department by applying norms other than the Recruitment Rules. It is also contended that some of the candidates appointed with the Petitioner as lecturers in Government Engineering Colleges for different subjects as Mathematics as well as Mechanical Engineering have approached this Court likewise and this Court has protected their services by admitting the Petitions and giving directions not to terminate those Petitioners' services. These contentions have not impressed us. As stated above, the Petitioner was appointed purely on a temporary basis on a stop gap arrangement till the regular candidate is selected, and therefore she cannot be allowed to continue and has to make a way for the regularly selected candidate. In that view of the matter, mere admission of some

petitions cannot help the cause of the Petitioner. There is no merit in the Petition which is accordingly dismissed.

CHIEF JUSTICE

DR.D.Y.CHANDRACHUD, J.